

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: LISA SMITH

Debtor(s)

CHAPTER 13

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

vs.

LISA SMITH

CASE NO: 5-23-00887-MJC

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

AND NOW, on May 10, 2023, Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Agatha R. McHale Esquire, and moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice.

1. A Petition under Chapter 13 was filed on April 24, 2023.
2. The Debtor has not filed the following items or a motion for extension of time to file same pursuant to F.R.B.P. 1007(c).
 - Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD
 - Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME
 - CHAPTER 13 PLAN

In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 5-22-01875-MJC

Counsel: PRO SE

Filing Date: 09/29/22

Date Dismissed: 11/09/22

Total Payments: \$0.00

Chapter: 13

Result: Dismissed for failure to file information

Case Number: 5-17-01703-JJT

Counsel: VINCENT RUBINO, ESQUIRE

Filing Date: 04/25/17

Date Dismissed: 04/11/18

Total Payments: \$2842.43

Chapter: 13

Result: Dismissed for failure to make plan payments

Case Number: 5-14-05560-JJT

Counsel: TULLIO DeLUCA, ESQUIRE

Filing Date: 12/02/14

Date Dismissed: 05/06/15

Total Payments: \$0.00

Chapter: 13

Result: Dismissed for failure to make plan payments

Case Number: 5-12-05035-RNO
Counsel: STEVEN SAVOIA, ESQUIRE
Filing Date: 8/29/12
Total Payments: \$0.00
Result: Dismissal requested by debtor

Date Dismissed: 01/23/13
Chapter: 13

Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of four (4) prior Chapter 13 petitions within a ten(10) year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of hearing and/or other instructions are included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Enter an Order dismissing the above-captioned case and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

Id: 47613

Attorney for Trustee

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

email: amchale@pamd13trustee.com

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Movant

CASE NO: 5-23-00887-MJC

NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, has filed a Motion to Dismiss with Prejudice for failure to file:

- Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD
- Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME
- CHAPTER 13 PLAN

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA

Date: June 1, 2023
Time: 10:00 AM

Objections/responses are due on or before May 24, 2023. The hearing as scheduled will be held regardless of any objections or responses having been filed.

Dated: May 10, 2023

/s/ Agatha R. McHale, Esquire

Id: 47613

Attorney for Trustee

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

email: info@pamd13trustee.com

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on May 10, 2023, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

Served Electronically

UNITED STATES TRUSTEE
1501 NORTH 6TH STREET
BOX 302
HARRISBURG, PA 17102

Served by First Class Mail

LISA SMITH
1224 ALLEGHENY DR
BLAKESLEE, PA 18610

I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 10, 2023

/s/ Vickie Williams
Office of the Standing Chapter 13 Trustee
Jack N. Zaharopoulos
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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ORDER DISMISSING CASE WITH PREJUDICE

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.

